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April 15, 2024

BY ECF

Honorable Katharine H. Parker
United States Magistrate Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

APPLICATION GRANTED: The Initial Conference set for 4/23/2024 at 10:00 AM in Courtroom 17D, 500 Pearl Street, New York, NY 10007 is hereby rescheduled to Thursday, May 16, 2024 at 12:15 p.m.

APPLICATION GRANTED

Katharine H. Parker

Hon. Katharine H. Parker, U.S.M.J.

04/16/2024

Re: Damian Milhouse v. City of New York, et al.,
24 Civ. 00611 (LAK) (KHP)

Your Honor:

I represent defendants the City of New York (the “City”), Mayor Eric Adams, former Mayor Bill de Blasio, and former Deputy of Correction Commissioners Louis Molina, Cynthia Brann, and Vincent Schiraldi in the above-referenced matter. Defendants write to respectfully request that the Court adjourn the initial conference scheduled for April 24, 2024 at 10:00 a.m. and all corresponding deadlines. This is defendants’ first such request. Plaintiff consents to this request.

By way of background, plaintiff brings this action pursuant to 42 U.S.C. § 1983 against defendants Department of Correction (“DOC”) Captain Blake (Shield #89), DOC Correction Officer (“CO”) Jordan (Shield #7936), DOC CO Pichardo (Shield #13717), and several “John or Jane Doe” DOC employees, alleging claims of, *inter alia*, excessive force, deliberate indifference to medical needs, and a Monell claim against the City and former officials, arising from two incidents on Rikers Island in 2021. (See ECF No. 1).

On February 5, 2024, the Court scheduled an initial case management conference. (See ECF No. 8). Additionally, the Court directed the parties to, *inter alia*, complete the Rule 26(f) Meeting and Proposed Case Management Plan, and file it by April 17, 2024. (*Id.*)

On March 4, 2024, this case was assigned to the undersigned attorney. On March 5, 2024, defendants filed an extension of time to file a response to the complaint in order for defendants to begin their investigation into the facts of this case pursuant to Rule 11 of the Federal Rules of Civil Procedure (“FRCP”). (See ECF No. 14). On March 6, 2024, the Court granted defendants’ request.

(See ECF No. 15). The Court ordered defendants to file an answer or motion in response to the complaint by April 30, 2024. (Id.)

This adjournment is needed for multiple reasons. An adjournment of the initial case management conference is necessary to allow defendants to investigate all claims, defenses, and any underlying evidentiary support pursuant to FRCP 11. Additionally, defendants have not yet filed an answer or motion in response to the complaint. Defendants are also still in the process of receiving and reviewing records from DOC, which will enable defendants to participate effectively in the conference and to intelligently discuss the matters required under Rule 16 of the Federal Rules of Civil Procedure.

Further, counsel for defendants is currently scheduled to attend a settlement conference for another unrelated matter on the same date and time, on April 24, 2024 at 10:00 a.m., in the Eastern District of New York. See Ernesto Lopez v. City of New York, et al., 21-CV-02492 (EK) (VMS).

Accordingly, defendants respectfully request that the Court adjourn the initial conference scheduled for April 24, 2024 at 10:00 a.m. and all corresponding deadlines until after defendants have responded to the complaint. For the Court's convenience, the parties propose May 10, 2024, or May 16, 2024 as the rescheduled date for the initial conference.

Thank you for your time and consideration.

Respectfully submitted,

/s/ *Bailey Forcier*
Bailey Forcier
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **Via ECF**
All counsel of record